IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6468 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PARSOTAMBHAI G PATEL & OTHERS ADDRESS NOT MENTIONED -FILING. - Petitioner(s)

Versus

JAMNAGAR AREA DEVLOPMENT AUTHORITY & 1 - Respondent(s)

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Appearance :

MRS SANGEETA N PAHWA FOR M/S THAKKAR ASSOC. for Petitioner(s) : 1,
None for Respondent(s) : 1,
MR LR PUJARI, AGP for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 28/03/2007

ORAL JUDGMENT

1. Mrs. Pahwa, learned counsel for the petitioner. None for respondent no.1 though name of Shri Y.N.Oza

appears; Shri L.R. Pujari, learned AGP for respondent no.2.

2. Present is a petition by the petitioner against the notice dated 16.8.96 requiring the petitioner to show cause that why developments made by him or construction raised by him be not demolished in view of the illegalities committed by the petitioner.

3. When the notice to show cause is issued to a party, then, such party is required to appear before the authority, file his cause to convince the authority that there was no requirement to issue such notice and even if such notice is issued, the notice is required to be dropped.

4. Taking into consideration that the petitioner has yet not filed his say before the authority and has not allowed the authority to apply his mind to the notice issued to the petitioner, I refuse to interfere in the matter. The petition is dismissed, however, with liberty in favour of the petitioner to file his reply/cause within a period of 30 days from today before the concerned authority which had issued notice to show cause. Within the said period if such reply is filed, then, the authority shall hear the petitioner and pass final order and in case, the petitioner does not file his reply to the

notice, then, the authority would be free to proceed exparte. Rule is discharged. Interim relief, if any, is vacated.

[R.S. GARG, J.]

pirzada/-